F.O. 881/7603

(7603.)

SOMALILAND PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Consul-General, and allowed by the Secretary of State, are published for general information.

(Signed) H. E. S. CORDEAUX,
Acting British Consul-General.

Berbera, October 18, 1901.

KING'S REGULATIONS UNDER ARTICLE 32 OF "THE SOMALILAND ORDER IN COUNCIL, 1899."

No. 5 of 1901.

Native Labour Regulations.

1. In these Regulations—

"Labourer" means a person employed for hire in agricultural, mining, or pastoral labour.

"Porter" means a person employed for hire to carry burdens or to drive beasts of burden on a journey.

"Servant" means a person employed for hire to perform domestic or personal service.

"Conduct-money" means money given to a labourer or porter to enable him to return to his home.

"Port of exit" means Zeyla or Berbera, or any appointed station at or near the frontier of the Protectorate.

2. These Regulations apply only to labourers, porters, and servants who are natives of Africa, and are not of European race or origin.

PART I.—*General.*

3. Every employer of labourers who are housed on the employer's premises shall cause such labourers to be properly housed and fed, and shall observe all reasonable directions which may be given by a Magistrate of the district in respect of housing and feeding such labourers, and in respect of sanitary arrangements.

4. Every employer of porters and servants shall cause such porters and servants to be properly clothed and fed.

5. Every employer of labourers, porters, or servants shall provide them with proper medicine, and also, if procurable, medical attendance during illness, and any employer failing so to provide shall, in addition to his liability for breach of this Regulation, be

liable to pay any expenses incurred by a Magistrate in providing such medicines or medical assistance.

6. These Regulations do not apply to porters performing a journey otherwise than under the supervision of the employer or his agent, except that the employer shall be bound to see that any such porter is properly equipped for his journey.

7. If a labourer, porter, or servant dies during service the employer or his agent shall give immediate notice thereof to the nearest Magistrate, together with a medical certificate (if procurable) of the cause of death. The employer or his agent shall pay to the Magistrate all wages due and deliver all property belonging to the deceased person for transmission to the personal representatives, to be distributed in accordance with native law or custom.

8. Any person engaging or employing a labourer, porter, or servant who is then engaged to another employer shall be guilty of an offence unless he proves that he had good reason to believe that the labourer, porter, or servant was not under a subsisting engagement.

Part II.—*Engagement within, for employment without, the Protectorate.*

9. A labourer, porter, or servant shall not be engaged or taken to be employed in labour in any place outside the Protectorate except under the following conditions :—

10. Any employer may apply to the Consul-General for a permit authorizing him to engage native labourers, porters, or servants for service without the Protectorate.

11. In the application shall be stated the place to which it is proposed to take the labourers, porters, or servants, the nature of the service, the rates of pay, the period of the service, and the number of persons proposed to be engaged, and the districts from which it is desired to procure them. The Consul-General may, in his discretion, either grant or refuse the permit.

12. Before granting a permit, the Consul-General may require the employer to deposit a sum not exceeding the total wages of the total number of labourers, porters, and servants for the proposed period of service.

13. Labourers, porters, or servants shall not be engaged for service without the Protectorate except on the terms of an agreement of service.

14. Every agreement of service shall be in respect of a single labourer, porter, or servant for a period to be mentioned in the agreement, and for a specified rate of wages, and shall contain a promise by the employer that, at the termination of the service, the employer will pay to the labourer, porter, or servant the sum mentioned in the agreement by way of conduct-money for the purpose of enabling the labourer, porter, or servant to return to his home. Every such agreement shall be in duplicate in the Form (A) in the Schedule hereto, or in such other form as the Consul-General may prescribe in lieu of that form. A fee, to be denoted by a stamp or stamps, shall be payable on every agreement in accordance with the following scale :—

	Rupees.
If the period of employment is for a period not exceeding two months ..	2
For a period not exceeding six months	3
For a period not exceeding one year	5
For a period not exceeding two years..	10

15. The agreement shall be executed by the employer, or his agent, and the labourer, porter, or servant, in the presence of a Magistrate, who shall approve and sign the same and himself keep one copy of the agreement.

16. The rates of conduct-money shall be as follows : Where the distance between the place of employment and the home of the labourer, porter, or servant does not exceed 100 miles, the sum of 2 rupees ; where such distance exceeds 100 miles, an additional sum of rupee 1 : 8 for every 100 miles or fraction thereof. Where the labourer, porter, or servant is employed over sea, the employer shall be bound to pay his passage to a port of the Protectorate, and the conduct-money shall be reckoned from that port.

17. The Magistrate shall not approve of any agreement unless the employer produces the permit of the Consul-General and unless he is satisfied that the labourer, porter, or servant fully understands the nature of the service, the distance to be travelled, and such other particulars of the service as seem proper to be understood.

18. The bond to be entered into by an employer shall bind the employer to pay the agreed wages regularly, to pay the agreed conduct-money, and generally to conform to the provisions of these Regulations. Such bond shall be in the form (B) in the

Schedule hereto, or in such other form as the Consul-General may prescribe in lieu of that form.

19. The employer shall furnish to the Magistrate a list in triplicate showing the name, village, and district of every labourer, porter, or servant engaged, and the place to which they are to proceed, and the port of exit by which they are to leave the territory of the Protectorate. The Magistrate shall sign the lists, and shall deliver one copy to the employer, and shall send the others to the proper officer at the port of exit.

20. Labourers, porters, or servants engaged under these conditions shall not be permitted to leave the territory of the Protectorate at any place other than the port of exit mentioned in the said list.

21. The employer shall bring the labourers, porters, or servants engaged by him before the appointed officer at the port of exit. He shall produce the signed list of labourers, porters, or servants, and the officer, if he is satisfied as to the identity of the labourers, porters, or servants, shall countersign the list and return it to the employer. Until the list is so countersigned the employer shall not take any of the labourers, porters, or servants beyond the territory of the Protectorate.

22. The officer at the port of exit may, at the expense of the employer, detain for further inquiries any labourers, porters, or servants whose names do not appear in the list, or as to whose identity he is not satisfied, or may return them to their homes.

23. The employer shall be bound to produce the said list for inspection when required by any officer of Government within the Protectorate, or by any Consular officer without the Protectorate.

24. The expenses incurred by the officer under paragraph 22 shall be a debt due by the employer to the Consul-General, and shall be recoverable accordingly.

25. The sum deposited by the employer with the Consul-General may be applied in payment of any expenses incurred by the Consul-General, or any Magistrate or officer in relation to the employer, or to the labourers, porters, or servants engaged by him, including the payment of wages not proved to have been paid by the employer, but, save as aforesaid, shall be returned to the employer on proof of the payment of wages.

26. A receipt signed by a labourer, porter, or servant, and witnessed by a Magistrate or Consular officer in the country or place in which the labourer, porter, or servant is employed, or a Magistrate of the Protectorate, shall be sufficient evidence of the payment mentioned in the receipt.

General.

27. Any employer who contravenes any of the provisions of these Regulations shall, on conviction, be liable to imprisonment for any period not exceeding three months, or a fine not exceeding 1,500 rupees, or to both imprisonment and fine.

28. These Regulations may be cited as "The Native Labour Regulations, 1901."

They shall be substituted for "The Somaliland Emigrant Regulations, 1900," which are hereby repealed.

(Signed) H E. S. CORDEAUX,
Acting British Consul-General.

Berbera, October 18, 1901.

Allowed:
(Signed) LANSDOWNE,
His Majesty's Principal Secretary of State for Foreign Affairs.

SCHEDULES.

SCHEDULE (A).

FORM OF AGREEMENT.

(In accordance with "The Native Labour Regulations, 1901.")

SOMALILAND.

No. .....

Name .....

of .....

Employer .....

.....

of .....

Months .....

from (date) .....

to (date) .....

As labourer, / porter, / *or* servant } .....

Conduct-money .....

Perforation.

SOMALILAND PROTECTORATE.

LABOUR AGREEMENT.

No. .....

This is to certify that ....., of ....., agrees to serve ..... of ....., in (*describe place of service or journey*) ....., for ..... months (*or* weeks) from the ..... day of ....., 19...., in the capacity of ..... for a payment of ..... per .....; and, further, that the said ..... promises that at the expiration of the said period, or the termination of the service, he will pay to the said ..... the sum of ..... as conduct-money to enable the said person to return to his home.

Stamp.

Signature of person employed } .....

Signature of employer } .....

Approved by me.

.....

Magistrate.

This ..... day of ....., 19.....

SCHEDULE (B).

(In accordance with "The Native Labour Regulations, 1901.")

Form of Bond.

Know all men by these presents that I, ... [employer's name], of ....., am held and firmly bound unto our Sovereign Lord Edward, by the grace of God, of the United Kingdom of Great Britain, King, in the sum of seventy-five rupees lawful money in respect of each and every native labourer, porter, and servant with whom I have entered into an agreement of service, to be paid to our said Lord the King, his heirs and successors, for which payment to be well and truly made I bind myself, my heirs, executors, and administrators, firmly by these presents.

Now the condition of the above-written bond or obligation is such that, if the above-bounden employer shall, during the terms of the said respective agreements of service, from time to time pay all wages due to every such labourer, porter, and servant, and shall, upon the expiration or sooner determination of the agreement of service of every native labourer, porter, or servant to whom he has promised conduct-money for the purpose of enabling him to return to his home, pays such conduct-money to such labourer, porter, or servant in the presence of a Magistrate of the Somaliland Protectorate, and shall do and perform such other things in respect of the said labourers, porters, or servants as are required by "The Native Labour Regulations, 1901," then this bond or obligation shall be void; otherwise to remain in full force and virtue.

Signature of employer ....

Signed, sealed, and delivered by the within-named
..... in the
presence of .....

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Somaliland Protectorate. 18 Oct. 1901. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 29 Apr. 2016.

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